Testimony to 3/18/2013 City Council meeting

From: Reid Brockway

Subject: The problem of stream buffers derived from for SHETS Noted to urban

CCDb

neighborhoods

One of the two topics on the schedule for tonight's ECA study session is achieving balance of ECA protection and property use. The biggest remaining problem in our code, in my opinion, is the *imbalance* that results from the inappropriate and indiscriminate application of forest practices to developed urban settings. Stream buffers are a key part of that, and that's what I want to speak about briefly tonight.

If you are *not* familiar with the four stream Types and the associated buffers in our code, I submit that before you decide policy in this regard you *need* to be familiar with them. These stream Types come from the state Forest Practices Board, and they make sense for undeveloped land, but not when retroactively applied to densely developed neighborhoods.

Let me read you a quote:

The modeling system used to assess stream types was designed to address higher elevation forested areas, and not low lying and urbanized areas.

That is from our state Department of Commerce GMA Update, one of the resources provided to the Planning Commission and posted on the city's ECA web page. AMEC's report on streams included some statements to this effect as well.

Here's a graphic that shows the notion of a stream as envisioned by these standards. (first chart)

But here is the kind of situation you can find in our city. (second chart)

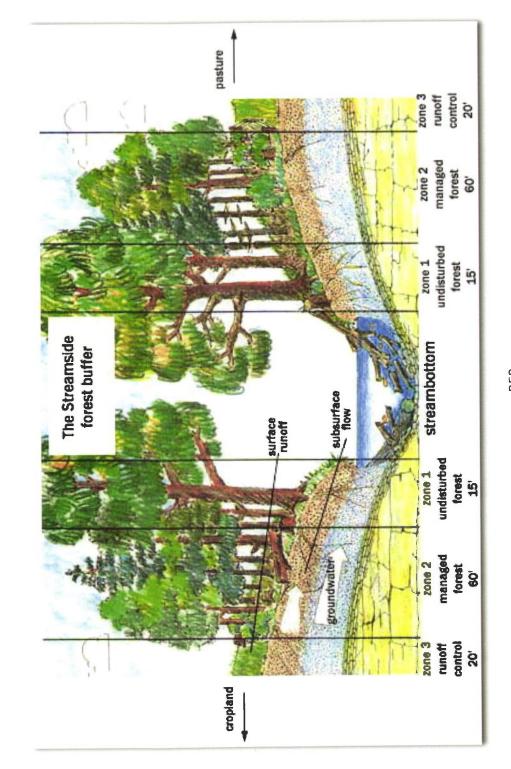
This is a crude representation, but I can supply many actual examples of this situation.

This is more than an intellectual argument; it has very practical consequences for the resident unfortunate enough to live near a watercourse that fits the overly broad definition of a Type F stream who wants to do something – like add a tool shed or move a garden wall – that is entirely within the rights of any other resident. But our present code prohibits him from doing that within 165 feet of a Type F stream, regardless of whether that so-called stream is two houses away, only runs when it rains, and has no fish in it, and that what he wants to do will have no effect on it whatsoever. Large one-size-fits-all stream buffers place unjustifiable burdens on some of our citizens. This has not been adequately addressed in the proposed changes.

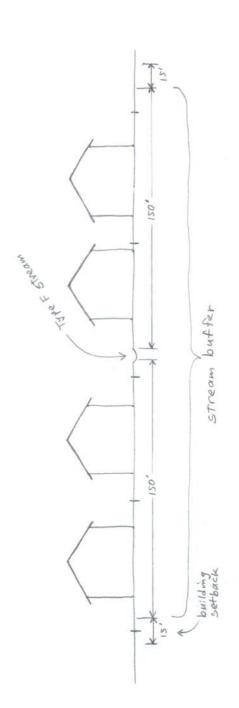
It has been argued that we cannot deviate from the stipulated buffers based on stream Type because it would be opposed by certain agencies. But there *is* a clean solution that avoids this and gives citizens relief. That is to do as some cities do and provide the option of buffer delineation. That was recommended during the Planning Commission process but was screened out by Staff based on arguments that, frankly, were not legitimate. It should be given careful consideration by the Council, and I will be happy to provide more information. (I have a much more extensive set of charts on this subject.)

Contrasting "Streams"

Rural Stream Buffer Concept



Stream Buffer in Urban Setting



REB